

STATE OF OREGON

COUNTY OF LINCOLN

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
PO BOX 549
SILETZ, OR 97380

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-86524

SOURCE OF WATER: UNNAMED STREAM, A TRIBUTARY OF DEVILS LAKE

STORAGE FACILITIES: RESERVOIR 4A, RESERVOIR 5, RESERVOIR 6, RESERVOIR 7,
RESERVOIR 8, RESERVOIR 9, RESERVOIR 10, RESERVOIR 11, AND RESERVOIR 12

PURPOSE OR USE OF THE STORED WATER: RECREATION AND IRRIGATION (TO BE
APPROPRIATED UNDER PERMIT S-54404, APPLICATION S-86525)

MAXIMUM VOLUME: 19.8 ACRE FEET (AF) EACH YEAR IN NINE RESERVOIRS

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1
THROUGH JUNE 30

DATE OF PRIORITY: MARCH 2, 2006

Reservoir	Volume of reservoir	Area submerged
Reservoir 4A	4.8 af	0.6 acre
Reservoir 5	1.9 af	0.3 acre
Reservoir 6	4.4 af	0.8 acre
Reservoir 7	0.4 af	0.1 acre
Reservoir 8	3.4 af	0.6 acre
Reservoir 9	0.5 af	0.1 acre
Reservoir 10	1.6 af	0.3 acre
Reservoir 11	0.9 af	0.15 acre
Reservoir 12	1.9 af	0.32 acre

POINT OF DIVERSION LOCATION: SW ¼ SE ¼, GOVT LOT: 30, SECTION 35, T6S,
R11W, W.M.; 20 FEET NORTH & 1420 FEET WEST FROM SE CORNER, SECTION 35

DAM LOCATIONS:

RESERVOIR 4A - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 31, SECTION 35, T6S, R11W, W.M.; 520 FEET NORTH & 940 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 5 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, GOVT LOT: 3, SECTION 2, T7S, R11W, W.M.; 940 FEET SOUTH & 1610 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 6 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 2, T7S, R11W, W.M.; 480 FEET SOUTH & 1430 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 7 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, GOVT LOT: 3, SECTION 2, T7S, R11W, W.M.; 440 FEET SOUTH & 1610 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 8 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, GOVT LOT: 3, SECTION 2, T7S, R11W, W.M.; 290 FEET SOUTH & 1530 FEET WEST FROM NE CORNER, SECTION 2

RESERVOIR 9 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 31, SECTION 35, T6S, R11W, W.M.; 390 FEET NORTH & 740 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 10 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 31, SECTION 35, T6S, R11W, W.M.; 1070 FEET NORTH & 770 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 11 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, GOVT LOT: 32, SECTION 35, T6S, R11W, W.M.; 1210 FEET NORTH & 600 FEET WEST FROM SE CORNER, SECTION 35

RESERVOIR 12 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T6S, R11W, W.M.; 1080 FEET NORTH & 660 FEET EAST FROM SW CORNER, SECTION 36

THE AREA TO BE SUBMERGED BY THE RESERVOIRS IS LOCATED AS FOLLOWS:

(LOT 31) SE $\frac{1}{4}$ SE $\frac{1}{4}$
(LOT 32) SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 35

(LOT 25) SW $\frac{1}{4}$ SW $\frac{1}{4}$
(LOT 26) SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 36

TOWNSHIP 6 SOUTH, RANGE 11 WEST, W.M.

(LOT 2) NE $\frac{1}{4}$ NE $\frac{1}{4}$
(LOT 3) NW $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 2

TOWNSHIP 7 SOUTH, RANGE 11 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

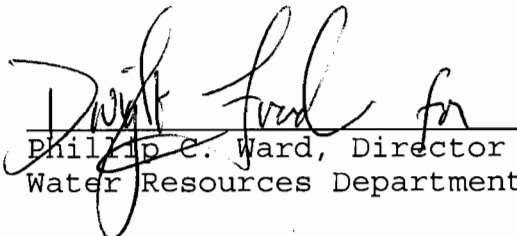
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Construction shall be completed, the reservoir shall be filled, and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued June 11, 2007


Phillip E. Ward, Director
Water Resources Department